

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

No. 3

GOVERNMENT OF GOA

Department of Co-operation

Office of the Registrar of Cooperative Societies

Notification

11/1/96-MR/MKT/RCS

The following draft amendment rules which the Government of Goa proposes to make so as to further amend the Goa, Daman and Diu Agricultural Produce Marketing (Regulation) Rules, 1969 are hereby pre-published as required by sub-section (3) of section 60 of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Maharashtra Act No. XX of 1964) as applied to the State of Goa for information of the general public and notice is hereby given that the said draft amendment rules will be taken into consideration by the Government on the expiry of 30 days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment rules may be forwarded to the Secretary (Cooperation), Government of Goa, Department of Cooperation, Secretariat, Panaji, before the expiry of 30 days from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT RULES

In exercise of the powers conferred by sub-sections (1) and (2) of section 60 of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Maharashtra Act No. XX of 1964), as extended to the State of Goa, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Agricultural Produce Marketing (Regulation) Rules, 1969, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Agricultural Produce Marketing (Regulation) (Amendment) Rules, 2001.

(2) They shall come into force at once.

2. *Amendment of rule 35.*— For rule 35 of the Goa, Daman and Diu Agricultural Produce Marketing (Regulation) Rules, 1969 (hereinafter referred to as the 'principal rules'), the following shall be substituted, namely:—

"35.— *Determination of Market area into constituencies.*— (1) For the purpose of electing ten agriculturists including two lady agriculturists by the agriculturists and one trader to be elected by the traders, as provided by clauses (a) and (b) respectively of sub-section (1) of section 13 of the Act, the market areas in the State of Goa shall consist of the following constituencies:—

(a) Agriculturist constituency consisting of agriculturists only, defined under clause (b) of sub-section (1) of section 2 of the Act.

(b) Traders constituency consisting of traders of all clauses.

(2) For the election of agriculturist for being members of the Marketing Board, only agriculturists from the agriculturist constituency shall be eligible to vote so also only agriculturist shall contest these elections. For the election of the trader, only the traders holding 'A' class licence shall be eligible to contest for this election."

3. *Insertion of new rule 35A.*— In the principal Rules, after rule 35, the following rule shall be inserted, namely:

"35A.— *Determination of traders cooperative societies.*— The Secretary of the Marketing Board shall determine two traders cooperative societies to be ex-officio members of the Marketing Board in accordance with the provisions of clause (c) of sub-section (1) of section 13 of the Act.

4. *Amendment of rule 36.*— For rule 36 of the principal Rules the following shall be substituted, namely:—

"36 Voters' list.— (1) Before the election of the Marketing Board is due, the State Marketing Officer shall notify the list of cooperative societies dealing with the agricultural produce by collecting information from the Registrar of Cooperative Societies, Goa, in accordance with sub-clause (ii) of clause (b) of sub-section (1) of section 2 of the Act so that the members of a society can vote and contest the elections in the agriculturist constituency.

(2) After the publication of the notification by the State Marketing Officer as mentioned in sub-rule (1), the Collector shall write to the concerned cooperative societies to give the names of their members who are qualified to be agriculturists as per the provisions of clause (b) of sub-section (1) of section 2 of the Act, within a period not more than one month which may be extended for a period of maximum 15 days at his discretion.

(3) If any cooperative society fails to submit the names of its members as per sub-rule (2) above within the stipulated time as given by the Collector, the Collector shall go ahead for publishing the list of the agriculturists of other cooperative societies leaving aside the defaulter cooperative societies which shall be deemed to

be final for the purpose of conducting elections to the Marketing Board.

(4) The Collector shall ask the Marketing Board to prepare and furnish to him the names of all the persons qualified to vote in the traders constituency, from the register maintained by the Marketing Board under sub-rule (8) of rule 6, of these Rules within such time as may be specified by him:

Provided that, where a person qualified to vote in a traders constituency is a firm or body corporate (including a cooperative society), such firm or body shall nominate a person (being a person who is either a partner of the firm or a member of the managing committee in the case of a cooperative society or a person duly authorized by any other body corporate) to vote on its behalf and intimate the name of the person to the Collector within such time as he may fix in that behalf for being included in the list of voters as representing that firm or body:

Provided further that, if such firm or body is holding more than one licence, nevertheless, it shall not nominate more than one person as aforesaid.

(5) Every list of voters of agriculturist constituency shall be grouped according to the membership of the cooperative societies. The voters in the list of each cooperative society shall be arranged in alphabetical order with full name, residential address and serial number.

(6) Every list of voters of the traders constituency shall show in alphabetical order the full name, residential address, serial number of the voters and the class of the traders i.e. 'A' class, 'B' class or 'C' class.

(7) Every such list shall be published in Marathi, English and Konkani within a period of one month from its receipt by the Collector in such manner as the Collector may determine.

(8) At the time of publishing the list of voters, a notice shall be published in like manner calling upon persons entered in the list to lodge in the manner herein, specified any objection that they have to make to the list as published, and upon persons claiming to be entered in the list, to lodge their claim in the manner herein specified.

(9) Such claim or objection shall be made in writing and shall specify the constituency in

question, the grounds on which the right of any person to be entered in the list is asserted or denied, the evidence which the claimant or objector intends to lead, the address of the claimant or objector, his number, if any, in the list and in the case of objection, the number in the list of the person to whose entry objection is taken and the constituency in the list for which he is entered.

(10) Every claim or objection shall be delivered or sent by post so as to reach the office of the Collector before the date fixed by the Collector in that behalf being a date not later than one month from the date of publication of the list.

(11) The Collector, after hearing the evidence, if any, adduced on behalf of the parties and after further inquiry, if any, shall pass order on the claim or objection, and the order of the Collector relating to such claim or objection shall be final.

(12) The Collector shall cause the list to be amended in accordance with the orders passed under sub-rule (11) and shall cause them to be published finally in English, Marathi and Konkani in such manner as he may deem fit.

(13) If, after the final publication of the list of voters, under sub-rule (12), the Collector, on application or otherwise, is satisfied after such inquiry as he deems fit that any entry or entries in the list is or are erroneous or defective in any particular respect, the Collector may cause a list of amendments to be prepared; and thereupon the provisions of sub-rules (5) to (14) shall apply in the case of such list in the like manner as they apply in the case of list of voters.

(14) Copies of such final lists including the final list of amendments and additions shall be made available for inspection and sale, in whole or in

part, in the office of the Collector or at any other place as the Collector may specify in this behalf.

(15) The final list as also the final list of amendments shall be republished under sub-rule (14) and shall remain in force and continue in operation as the list of voters of the purpose of any bye-election, until it is revised as provided by this rule."

5. *Omission of rule 40A.*— Rule 40A of the principal Rules shall be omitted.

6. *General amendment.*— In the principal Rules,—

(i) for the words "Market Committee", wherever they occur, the words "Marketing Board" shall be substituted;

(ii) for the word "Committee", wherever it occurs, the words "Marketing Board" shall be substituted;

(iii) for the words "a Committee" or "a Market Committee" or "every Market Committee" or "any Market Committee" or "such Committee" wherever they occur, the words "the Marketing Board" shall be substituted;

(iv) for the words "A Market Committee", wherever they occur, the words "the Marketing Board" shall be substituted.

By order and in the name of the Governor
of Goa.

D. C. Sahoo, Registrar of Coop. Societies and
Ex-Officio Joint Secretary.

Panaji, 7th August, 2001.